

**SUPREME COURT MINUTES  
THURSDAY, APRIL 2, 1998  
SAN FRANCISCO, CALIFORNIA**

S037992      In re John George Brown  
                         on  
                         Habeas Corpus

The petition for writ of habeas corpus is granted. The judgment of conviction is vacated, and petitioner is remanded to the Superior Court of Orange County. Upon finality of this decision, the clerk shall remit a certified copy of this opinion to the superior court for filing, and respondent shall serve another copy thereof on the prosecuting attorney in conformity with Penal Code section 1382, subdivision (a)(2). If the People do not elect to bring petitioner to trial within 60 days after service pursuant to Penal Code section 1382, subdivision (a)(2), the trial court shall enter judgment reflecting a conviction for second degree murder and shall sentence petitioner accordingly. (See Pen. Code, § 1484; In re Bower (1985) 38 Cal.3d 865, 880.)

Brown, J.

We Concur:

Mosk, J.

Werdegar, J.

Crosby, J.\*

Dissenting Opinion by Kennard, J.

We Concur:

Baxter, J.

Chin, J.

\*Honorable Thomas F. Crosby, Associate Justice, Court of Appeal, Fourth District, Division 3, assigned by the Chief Justice pursuant to article VI, section 6, of the California Constitution.

- 1st Dist. Trans-Action Commercial Investors, Ltd. et al., Respondents  
A075777 v.  
Div. 3 Donald A. Jelinek, etc., Appellant  
S067640 The request for an order directing depublication of the opinion in the above entitled cause is DENIED.  
George, C.J., and Baxter, J., did not participate in light of the appearance of the Judicial Council as amicus curiae in these proceedings.
- S011323 People, Respondent  
v.  
David Esco Welch, Appellant  
On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to and including May 1, 1998.  
No further extensions of time are contemplated.
- S016719 People, Respondent  
v.  
Ralph Michael Yeoman, Appellant  
On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's brief is extended to and including June 1, 1998.
- S029490 People, Respondent  
v.  
David Earl Williams, Appellant  
On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including June 5, 1998, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.
- S061209 In re Edwin Gregory  
on  
Habeas Corpus  
On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file an informal response is extended to and including April 10, 1998.

S062432      In re Freddie Lee Taylor  
                 on  
                 Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's informal response to the petition for writ of habeas corpus is extended to and including May 1, 1998.

S062533      In re James David Majors  
                 on  
                 Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to informal response to the petition for writ of habeas corpus is extended to and including May 18, 1998.

S068360      In re William A. Noguera  
                 on  
                 Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's informal response to the petition for writ of habeas corpus is extended to and including May 6, 1998.

S067199      People, Respondent  
                 v.  
                 Sa Hoang Tran, Appellant

Upon request of appellant for appointment of counsel, Michael A. Willemsen is hereby appointed to represent appellant on his appeal now pending in this court.

S066955      People, Respondent  
                 v.  
                 Thaddeus Sistrunk et al., Appellants

Upon request of appellant Thaddeus Sistrunk for appointment of counsel, Anne V. Moore is hereby appointed to represent appellant on his appeal now pending in this court.

2nd Dist. Quincy Care Medical Group  
B113907 v.

Johnson & Johnson Finance Corp.

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Five to Division Four.

2nd Dist. John Arius  
B115799 v.

James E. McNamara et al.

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Four to Division Five.

S062313 In the Matter of the Suspension of Attorneys  
Pursuant to Rule 962, California Rules of Court

**Neil C. Evans, #105669**, was listed by the State Department of Social Services as being in arrears in payment of support obligations. He later obtained the necessary release from the appropriate District Attorney. He has subsequently been identified by the Department of Social Services as again being delinquent. Pursuant to Rule 962(a) of the California Rules of Court, IT IS HEREBY ORDERED that **Neil C. Evans, #105669**, be suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after May 2, 1998.

IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate District Attorney pursuant to subdivision (1) of section 11350.6 of the Welfare and Institutions Code, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this Court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto;

IT IS FURTHER ORDERED that until restored as above provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.

S008755 In re **Barry Gerald Sands** on Reinstatement

Upon petition for reinstatement and recommendation of the State Bar of California, it is ordered that **Barry Gerald Sands** be reinstated as a member of the State Bar of California upon payment of the fees and taking the oath required by law.

S067499 In re **Austin A. Ditter** on Discipline

It is ordered that **Austin A. Ditter** be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 60 days and until he makes restitution to Erin Leiman in the amount of \$1,300, plus 10% interest per annum from July 15, 1994, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of Trials. If he is actually suspended for two years or more, he shall remain actually suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed August 6, 1997, as modified by its order filed September 4, 1997. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that if he remains actually suspended for 90 days or more, he shall comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).

\*(See Business & Professions Code, § 6126, subd. (c).)

**SUPREME COURT CALENDAR  
SAN FRANCISCO SESSION  
MAY 5, 6 and 7, 1998**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Marathon Plaza Building, 303 Second Street, South Tower, Fourth Floor, San Francisco, California, on May 5, 6 and 7, 1998.

TUESDAY, MAY 5, 1998 - 9:00 A.M.

S065473	Reno v. Baird
S058743	People v. Davis
S060145	Yamaha Corporation of America v. State Board of Equalization

1:30 P.M.

S057133	Artiglio v. Corning ( <i>Chin, J., not participating</i> )
S007198	People v. Jerry Grant Frye [ <i>Automatic Appeal</i> ]

WEDNESDAY, MAY 6, 1998 - 9:00 A.M.

S063425	Foster-Gardner v. National Union Fire Insurance Company of Pittsburg
S048929	In re Robbins on Habeas Corpus
S042737	In re Gallego on Habeas Corpus

1:30 P.M.

S056954	Jordache Enterprises v. Brobeck, Phleger & Harrison
S060909	People v. Tillis

THURSDAY, MAY 7, 1998 - 9:00 A.M.

S063167	Creason v. State of California
S061929	People v. Deloza
S062670	People v. Superior Court, County of Los Angeles; Melvin J.

GEORGE  
Chief Justice

If exhibits are to be transmitted to this Court, counsel must comply with Rule 10(d), California Rules of Court.

